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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,745	01/23/2002	Jeffrey L. Sears	P05451US0	5577

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MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER

PERRIN, JOSEPH L

ART UNIT PAPER NUMBER

1746

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,745

Applicant(s)

SEARS, JEFFREY L.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 3-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20020123.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152).
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The abstract appears to have a typographical error. In line 2, the term "ratable" should be --rotatable--.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 3-9 are objected to because of the following informalities: In line 1 of dependent claims 3-9, there appears to be a clerical error as the preambles of dependent claims 3-9 do not match that of the claim from which they depend, namely independent claim 1. Thus, in line 1 of claims 3-9, "washing appliance" should be changed to --washing appliance clutch-- as claimed in claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 & 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,503,261 to Schultz.

Re claim 1, Schultz discloses a centrifugal clutch (10) comprising a drive member (12) driven by a motor (not numbered, see col. 5, lines 7-12), an intermediate plate (plate-shaped shoes 32 or 34) having a outer peripheral edge (36/38 or 40/42, respectively), and a hub (67) surrounding the outer peripheral edge (see col. 3, line 60 – col. 4, line 21; Figures 1-3). Schultz further discloses the outer edge of the plate-shaped shoes expanding and engaging the inner circumferential surface (68) of hub (67) (see col. 5, lines 16-30), and the clutch being a washing machine clutch (see col. 6, lines 20-23).

Re claim 9, Schultz further discloses the outer peripheral edge as commercially available rubber-based friction pads (col. 4, lines 16-21).

Re claim 10, Schultz discloses the combination of the centrifugal clutch described above, connected to the drive (transmission) of a washing machine (see col. 6, lines 20-35), although Schultz does not expressly disclose the washing machine having a rotary basket. However, the position is taken that one of ordinary skill in the art would recognize that the washing machine of Schultz inherently must include a rotary basket in order for the clutch to run the “spin mode” and “agitate mode” of the washing machine via the washing machine transmission drive shaft, as described by Schultz in col. 6, lines 20-35.

Re claim 11, Schultz discloses a method for rotating a washing appliance basket (transmission drive of a washing machine, see above) comprising

connecting a motor to a drive member (col. 5, lines 10-12), placing the drive member in driving connection with an intermediate plate (col. 4, lines 13-21, specifically, Figures 1-3 showing the drive plate/shaft connected to plate-shaped shoes), surrounding the intermediate plate (shoes) with an annular hub (col. 4, line 63 – col. 5, line 6), and activating the motor to rotate the drive member causing the intermediate plate to centrifugally expand to engage the inner circumference of the hub (col. 5, lines 38-45).

Re claims 12 & 13, Schultz also discloses the rotation of the motor being reversible to cause rotation in two rotational directions, namely a spin mode and an agitate mode (see bi-directional clutch assembly, col. 6, lines 20-35).

Recitation of Schultz reads on Applicant's claimed invention.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,945,478 to Kellerman *et al.* (hereinafter "Kellerman").

Re claim 1, Kellerman discloses a centrifugal clutch for transferring rotational power from a rotary driving member to a rotary driven member (col. 1, lines 11-14) comprising a drive member (4) connected to a motor/engine (col. 3, lines 10-11), an intermediate plate (rotor 1) engaged by the drive member (col. 3, lines 10-11 & Fig. 2) the plate (1) having an outer peripheral edge (1f) and being surrounded by a hub (2) (col. 2, lines 65-66 & Figs. 1-2), and the outer peripheral edge capable of flexing from a retracted position to an expanded engagement position with the hub (col. 4, lines 2-12).

Re claim 2, Kellerman further discloses plate (1) having a plurality of cutout portions (7) which create weakened points that permit the plate to flex and expand upon centrifugal rotation (col. 6, line 65 – col. 7, line 3).

Re claim 3, Kellerman further discloses the cutout portions to comprise slots extending from the outer peripheral edge inwardly (see Figure 2).

Re claim 4, Kellerman further discloses a second group of the cutout portions located inwardly from the peripheral edge (inner portion of 7 separated from the outer portion, not numbered, by connection portion 8; see col. 6, lines 45-49 & Figure 2).

It is noted that the recitation of a “washing appliance” in the claimed “washing appliance clutch” and “for transferring rotational power...to a driven basket” in the preamble has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Recitation of Kellerman reads on Applicant's claimed invention.

***Allowable Subject Matter***

6. Claims 5-8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, see Schultz and Kellerman above, fails to teach each and every limitation of the instant invention. Specifically, Schultz and Kellerman fail to teach or suggest the claimed clutch with flexing portions further including a cam on the drive member and a cam follower surface on the intermediate plate, which is disclosed as an essential element of claimed invention, as described in claim 5.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,247,570 to Zindler, which discloses a centrifugal clutch with biasing springs.

US 3,693,771 to De Lancey, which discloses a spring operated centrifugal clutch.

US 2,886,154 to Conlee, which discloses a spring operated centrifugal clutch inside a hub.

US 2,869,344 to Bochan, which discloses a double spring operated centrifugal clutch inside a hub.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlpl

